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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,089

07/15/2003

Vahe Sisserian

11964/3

9268

7590 04/01/2008
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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,089	Applicant(s) SISSERIAN, VAHE	
	Examiner DANIEL LASTRA	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 have been examined. Application 10/621,089 (ADVERTISING SYSTEM FOR PROVIDING A MESSAGE AT POINT OF PURCHASE LOCATION) has a filing date 07/15/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sleeper (US 2002/0019885).

Claim 1, Sleeper teaches:

An advertising system, comprising:

a remuneration sponsored by an advertiser, the remuneration being presented to a customer conducting a consumer transaction with a merchant at a point of purchase location and being associated with a price reduction for the consumer transaction, the remuneration being presented in response to the customer initiating the transaction (see paragraphs 30-31); and

an advertising message associated with the advertiser and being presented to the customer with the remuneration (see paragraph 31).

Claim 2, Sleeper teaches:

where the advertising message includes notification to the customer of the remuneration and notification that the remuneration is sponsored by the advertiser (see figure 14 “acme also sells”).

Claim 3, Sleeper teaches:

where the remuneration is presented to the Customer according to predetermined criteria (see paragraph 30).

Claim 4, Sleeper teaches:

an automated retail terminal configured to process the consumer transaction and to evaluate the predetermined criteria, the automated retail terminal being located at the point of purchase location (see paragraph 31).

Claim 5, Sleeper teaches:

where the automated retail terminal includes an output device, the output device configured to present the advertising message to the customer (see paragraph 27).

Claim 6, Sleeper teaches:

where the output device comprises a visual display unit, the advertising message being displayed on the visual display unit (see paragraph 27).

Claim 7, Sleeper teaches:

where the output device comprises a printer configured to generate a receipt for the transaction, the advertising message being associated with the receipt (see paragraph 19).

Claim 8, Sleeper teaches:

where the output device comprises an auditory device configured to present the advertising message to the customer (see abstract).

Claim 9, Sleeper teaches:

where the remuneration is a predetermined amount (see paragraph 31).

Claim 10, Sleeper teaches:

where the advertiser compensates the merchant for a percentage of the price reduction (see paragraph 43).

Claim 11, Sleeper teaches:

where the predetermined criteria are selected from the group consisting of a time of the transaction, a date of the transaction, an amount for the transaction, a particular good purchased, a particular service purchased, a combination of goods purchased, a combination of services purchased, a number of transactions, a location of the merchant, and a location of the point of purchase location (see paragraphs 30-31).

Claim 12, Sleeper teaches:

wherein the merchant comprises a service provider (see paragraph 24).

Claim 13, Sleeper teaches:

where the transaction is conducted via the Internet and the advertising message is provided to the customer via a computer terminal connected to a web site associated with the merchant via the Internet (see paragraphs 18 and 38).

Claim 14, Sleeper teaches:

A method for presenting an advertising message, comprising:

(a) offering for sale a customer item associated with a vendor (see paragraph 31);

(b) processing with a retail terminal, a consumer transaction with a customer at a point of purchase location, the transaction being for the customer item and characterized by a purchase price (see paragraph 31);

(c) in response to (b), presenting the customer with a reduction in the purchase price, the reduction being sponsored by an advertiser, and being presented in conjunction with an advertisement of the advertiser, the advertiser being associated with a customer item other than the customer item offered for sale by the vendor (see paragraphs 30-31); and

(d) processing with the retail terminal, the reduction in the purchase price (see paragraph 31).

Claim 15, Sleeper teaches:

presenting the customer with the reduction in the purchase price according to predetermined criteria (see paragraph 31).

Claim 16, Sleeper teaches:

where the customer item associated with the vendor comprises a service provided by the vendor (see paragraph 24).

Claim 17, Sleeper teaches:

An retailer terminal, comprising:

means for processing a consumer transaction between a customer and a vendor, the means for processing being located at a point of purchase location for the vendor (see paragraph 31);

a means for evaluating predetermined criteria, the means for evaluating being operative in response to the means for processing (see paragraphs 30-31);

a means for presenting the customer with a remuneration and an advertising message, the remuneration being associated with a price reduction for the consumer transaction with the vendor, and the advertising message being associated with an advertiser, and the advertiser sponsoring the remuneration, the means for notifying being operative in response to the means for evaluating and a means for processing the price reduction (see paragraphs 30-31).

Claim 18, Sleeper teaches:

where the vendor is a merchant of goods (see paragraph 30).

Claim 19, Sleeper teaches:

where the vendor is a service provider (see paragraph 27).

Claim 20, Sleeper teaches:

where the means for processing comprises the means for evaluating, the means for presenting and the means for processing (See paragraph 31).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Art Unit 3688
March 27, 2008